

1 Total number of pages: 4
2 JAMES E. SALVEN
3 CHAPTER 7 TRUSTEE
4 P.O. Box 25970
5 Fresno, CA 93729
6 (559) 230-1095

7 **IN THE UNITED STATES BANKRUPTCY COURT**

8 **EASTERN DISTRICT OF CALIFORNIA**

9
10 In the Matter of

11 Case No. 21-11034-A-7
12 Chapter 7
13 DC No.: JES-1

14 **ESPERANZA GONZALEZ,**

15 **TRUSTEE'S MOTION FOR ORDER**
16 **AUTHORIZING EMPLOYMENT OF**
17 **AUCTIONEER, AUTHORIZING SALE**
18 **OF PROPERTY AT PUBLIC AUCTION**
19 **and AUTHORIZING PAYMENT OF**
20 **AUCTIONEER COMMISSION AND**
21 **EXPENSES**

22 Debtor.

23 Date: 09/15/2021
24 Time: 01:30 p.m.
25 Dept.: A, Courtroom 11
26 Judge: Jennifer E. Niemann

27 James E. Salven, Chapter 7 Trustee herein, moves the Court for authority to employ an
28 auctioneer, for authority to sell property at public auction, and for authority to pay auctioneer
commission and expenses, and respectfully represents as follows:

- 29 1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Section
30 1334(a). This is a "core" proceeding pursuant to 28 U.S.C. Section 157 (b) (2) (A), (N).
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32 2. This case was filed on 04/23/2021. James E. Salven was appointed as the
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1 Chapter 7 Trustee on or about 04/23/2021. The assets of the estate the trustee wishes to sell at
2 auction is a 2015 Dodge Ram pickup, VIN: 3C6UR5CL8FG520582. Pursuant to 11 U.S.C.
3 §363, Trustee intends to liquidate said assets for the benefit of the creditors. The Trustee
4 believes it is necessary to sell the Personal Property at public auction. Based on the Trustee's
5 experience, Trustee believes that the best and highest net recovery to this estate will arise by
6 selling the Personal Property at public auction through the employment and services of a
7 licensed auctioneer.

8 3. The Trustee wishes to sell the subject assets so that the proceeds can benefit the
9 estate. The estate has elected to sell the subject assets by means of a public auction to be held
10 on, or after, October 5, 2021 at Baird Auctions & Appraisals, located at 1328 N. Sierra Vista,
11 Suite B, Fresno, California.

12 4. The Trustee believes that the sale is in the best interest of the estate.

13 5. The property proposed to be sold constitutes a portion of the personal property in
14 possession of the debtor at the time the case was filed.

15 6. Trustee seeks to employ Baird Auction and Appraisals ("Auctioneer"), pursuant to
16 11 U.S.C. §328.

17 7. Trustee has agreed to pay on commission, in the amount of 15% of gross sale price;
18 estimated expenses not to exceed \$600.00, applicable to storage and sale. In addition to fees
19 and costs charged the Bankruptcy estate, the Auctioneer charges buyers a premium of 10% on
20 the purchase.

21 8. To the best of Trustee's knowledge, Auctioneer has had no prior business
22 Association and has no connections with himself, any creditors of Debtor or any other parties in
23 interest in this Chapter 7 case or their respective attorneys or accountants, the United States
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1 Trustee, or any person employed in the office of the United States Trustee. Auctioneer has no
2 connections with the Debtor.

3 9. Based on the Declaration of Jeffrey Baird in Support of the Application for Order
4 Authorizing Employment of Auctioneer, the Trustee is informed and believes that Jeffrey Baird
5 is a "disinterested person" within the meaning of 11 U.S.C. §101(14) of the Bankruptcy Code
6 and does not hold or represent an interest adverse to the estate.

7 a. Jeffrey S. Baird (Auctioneer)

8 i. is not a creditor, an equity security holder, or an insider;
9 ii. is not and was not an investment banker for any
10 outstanding security of Debtor;

11 iii. has not been, within three years before the date of the
12 filing of the petition, an investment banker for a security of Debtor, or an attorney for such an
13 investment banker in connection with the offer, sale, or issuance of a security of Debtor;

14 iv. is not and was not, within two years before the date of the
15 filing of the petition, a director, officer, or employee of Debtor or of an investment banker
16 specified in subparagraph (b) or (c) of this paragraph; and

17 v. does not have an interest materially adverse to the interest
18 of the estate or of any class of creditors or equity security holders, by reason of any direct or
19 indirect relationship to, connection with, or interest in, Debtor or an investment banker, or for
20 any other reason.

21 vi. has not served as an examiner in the case.

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1 **WHEREFORE**, Movant prays as follows:

2 1. For an Order authorizing employment of Auctioneer, approving the public
3 auction sale of the subject property described above, to be held on, or after October 5, 2021,
4 beginning at 5:30 p.m. at 1328 N. Sierra Vista, Suite B, Fresno, CA, and; for Order approving
5 the payment of commission on sales costs and for such other and further relief as the Court
6 deems just and proper.

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8 Dated: 8/9/21

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11 James E. Salven, Trustee

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